

Voter "assistance"

Douglas W. Jones

Aug 26, 2005

Taxonomy: Retail, vote buying or voter intimidation

Applicability: All voting technologies

Method:

The perpetrator offers to "assist" a voter in casting a ballot. In fact, this assistance consists of either marking or casting the ballot for the voter or looking over the voter's shoulder to check that the voter is voting as instructed by the perpetrator.

Resource requirements: Each perpetrator must have access to a pool of subvertable voters willing to request "assistance" in return for payment or unable to complain if threatened. Employees, tenants, and those with similar dependency relationships are particularly vulnerable.

Potential gain:

One vote per subverted voter.

Likelihood of detection:

An election observer can easily note the frequency with which voters request assistance. Observations of inappropriate assistance are common, but prosecution is rare because voters have a legitimate right to request assistance and it is difficult to prove that the assistant acted improperly under the legal framework present in many states.

Improper assistance in the casting of postal absentee ballots is very unlikely to be detected. This applies to all "vote at home" schemes.

Countermeasures:

Preventative measures:

Restrict the right to assistance to those with a demonstrable need. This can be demeaning to the voter, since it requires the voter to prove that they have a disability or to prove that they do not understand the workings of the voting system.

Restrict who may assist a voter. Deny the voter the right to

assistance from anyone but a close relative, guardian or pollworker, and require that if pollworkers offer assistance, they must do so in pairs representing opposing parties.

Develop voting systems requiring less assistance. Audio voting assistance devices, audio DRE machines, and tactile ballots can all reduce the need for assistance among illiterate or blind voters. It is impossible, however, to completely eliminate the need for assistance.

Restrict the right to postal absentee ballots or other "vote at home" systems. This is problematic, although if satellite polling places are provided for early voting, the need for postal absentee ballots decreases and with it, the number of votes that could be corrupted in this way decreases.

Detection measures:

Require documentation of every instance in which a voter requests the presence of an assistant in the voting booth. Routine audits of the frequency of assistance can lead to an understanding of what is normal, allowing the detection of unusual patterns of assistance.

Election observers should note the frequency of requests for assistance, and should make particular note of suspicious requests, for example, where the same person (not a pollworker) offers assistance to multiple voters, or where voters request assistance even though there is evidence that they have no need for assistance (as in the famous case of the voter who was reading a newspaper while waiting in line to vote, but who then requested assistance).

Citations:

Joseph P. Harris, *Election Administration in the United States*, The Brookings Institution, 1934. Improper assistance is discussed on pages 48 and 373. The legitimate need for assistance is discussed on page 184. Page 373 includes the qualitative judgement that assistance was, at the time, the dominant form of vote fraud.

Edmund F. Kallina, Jr. *Courthouse over White House*, University Presses of Florida, 1988. Assistance problems in Chicago in 1960 are described on pages 87-89; some of the incidents described are legitimate, while others are clearly coercive. Note, however, the philosophical issue raised on page 89 and the contrary opinion on page 91. The special need for legitimate assistance caused by the technological transition from paper ballots to voting machines are discussed on pages 82-85, with specific attention to the risks this

poses.

Retrospective:

Some states tightened up their voter assistance laws long ago in response to the recommendations Harris made in 1934. Other states are still wide open to this scheme.